

ORDINANCE NO. 2783 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXCLUSIVE IRRIGATION FACILITIES AND WELLSITE EASEMENT IN FAVOR OF SALT RIVER PROJECT IDENTIFIED AS SRP R/W# 1425; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.

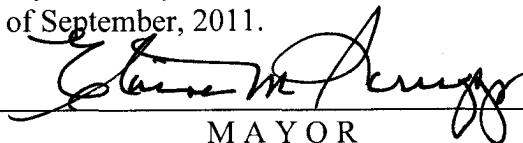
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the City Council hereby approves the Exclusive Irrigation Facilities and Wellsite Easement and all the terms and conditions thereto and directs that the City Manager for the City of Glendale execute said document granting Salt River Project an easement upon, across, over and under the surface of certain property located within existing City property, in the form attached hereto as Exhibit A. The legal description is contained in the Easement.


SECTION 2. That the City hereby reserves the right to use the easement premises in any manner that will not prevent or interfere with the exercise by Salt River Project of the rights granted hereunder; provided, however, that the City shall not obstruct, or permit to be obstructed, the easement premises at any time whatsoever without the express prior written consent of Salt River Project.

SECTION 3. That the City Clerk be instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.

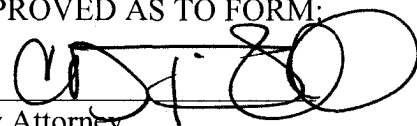
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 13th day of September, 2011.


MAYOR

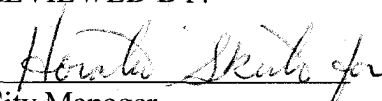
ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:


City Manager

Recorded by:
City Clerk
City of Glendale
5850 West Glendale Avenue
Glendale, AZ 85301-2599

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
ELECTRONIC RECORDING
20110771060,09/16/2011 11:10,
O2783-8-1-1--,N

ORDINANCE NO. 2783 NEW SERIES

ELAINE M. SCRUGGS
MAYOR

ATTEST:

PAMELA HANNA
City Clerk

STATE OF ARIZONA)
County of Maricopa) ss
City of Glendale)

(SEAL)

APPROVED AS TO FORM:

CRAIG TINDALL
City Attorney

I, the undersigned, Darcie McCracken, being the duly qualified Deputy City Clerk of the City of Glendale, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2783 New Series is a true, correct and accurate copy of Ordinance No. 2783 New Series, passed and adopted at a regular meeting of the Council of the City of Glendale, held on the 13th day of September, 2011, at which a quorum was present and voted in favor of said Ordinance.

REVIEWED BY:

HORATIO SKEETE
Assistant City Manager

Given under my hand and seal this 16th day of September, 2011.


DEPUTY CITY CLERK

EXHIBIT- FOR REFERENCE ONLY

RETURN TO:

SALT RIVER PROJECT

Land Department/PAB350

P. O. Box 52025

Phoenix, Arizona 85072-2025

EXCLUSIVE IRRIGATION FACILITIES AND WELLSITE EASEMENT

City of Glendale
Assessor Parcel No. 148-23-001M
NWQ Section 29 T3N R2E

R/W# 1425 Agt.CSV
Job # NL2-00702-000
Well Site 7.3E - 13.9N
W CSV C _____

CITY OF GLENDALE, an Arizona municipal corporation,

hereinafter called Grantor, for and in consideration of the sum of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors and permittees and their respective successors and assigns, hereinafter called the Grantee, an exclusive easement in, upon, over, under, across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to herein as the "Easement Property"), to construct, install, reconstruct, replace, remove, repair, operate and maintain one or more wells and/or water or irrigation pumping stations, together with all pipes, canals and other buildings, electrical equipment, fences, improvements, appliances, appurtenances and fixtures (collectively "Facilities") for the pumping and/or distribution of water, together with the right of ingress and egress to, from, across and along the Easement Property.

The lands in, upon, over, under, across, through and along which this easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

Grantor's Property

That part of the Northwest quarter of the Northeast quarter of the Northwest quarter of Section 29, Township 3 North, Range 2 East of the Gila and Salt River Base and Meridian, described as follows:

Beginning at the Southwest corner of said Northwest quarter of the Northeast quarter of the Northwest quarter of Section 29, also known as the Northwest corner of BRAEMAR ESTATES NO. 4, as recorded in Book 162 of Maps, page 12, records of Maricopa County, Arizona, said point being the true point of beginning; thence North 00°01'34" East along the West line of the Northwest quarter of the Northeast quarter of the Northwest quarter of said Section 29, a distance of 154.49 feet, more or less, to an intersection with the Southeasterly right of way line of a Salt River Valley Water Users, Sub Lateral bearing North 44°31'21" East;

EXHIBIT- FOR REFERENCE ONLY

Thence North 44°31'21" East along the Southeasterly right of way line of said lateral, a distance of 254.82 feet; thence South 0°01'34" West, a distance of 336.19 feet, more or less to the South line of said Northwest quarter of the Northeast quarter of the Northwest quarter of Section 29 and the North line of said BRAEMER ESTATES NO. 4;

thence South 89°32'38" West along the South line of said Northwest quarter of the Northeast quarter of the Northwest quarter and the North line of said BRAEMAR ESTATES NO. 4, a distance of 178.66 feet to the true point of beginning.

Easement Parcel:

See Exhibit "A" attached hereto and made a part hereof.

Grantor shall not construct, install or place, or permit to be constructed, installed or placed any building or other structure or improvement, plant any trees or other vegetation, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Property.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on the Easement Property whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantee shall have the right (but not the obligation), at its cost, to install, place and maintain on the Easement Property warning or safety signs regarding the Facilities and safety or security devices to protect the Facilities. Any provision contained herein to the contrary notwithstanding, Grantee shall have the right (but not the obligation) at any time, at Grantee's cost, to enclose the Facilities or any portion thereof by fences, walls or other structures and to take other steps to prevent access thereto by unauthorized persons.

Neither Grantor nor Grantee may make any modifications to the equipment on the easement site without prior approval by the other party.

In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Property within a reasonable time subsequent to such abandonment.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of and shall be binding on the heirs, administrators, executors, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns and lessees of the Grantor and Grantee.

EXHIBIT- FOR REFERENCE ONLY

IN WITNESS WHEREOF, **CITY OF GLENDALE**, an Arizona municipal corporation, has caused its name to be executed by its duly authorized representative(s) this _____ day of _____, 2011.

APPROVED AS TO FORM:

CITY OF GLENDALE,
an Arizona municipal corporation

Craig Tindall, City Attorney

By: Ed Beasley, City Manager

ATTEST:

Pamela Hanna, City Clerk

State of Arizona)
) ss.
County of Maricopa)

This instrument was acknowledged before me this _____ day of _____, 2011, by Ed Beasley and Pamela Hanna, City Manager and City Clerk, respectively, of the **CITY OF GLENDALE**, a municipal corporation of the State of Arizona.

Notary Public

My Commission Expires:

Notary Stamp/Seal

Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1132 and 11-1133 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).

EXHIBIT- FOR REFERENCE ONLY

Exhibit "A"

A portion of the Northwest Quarter of Section 29, Township 3 North, Range 2 East, Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows;

Commencing at the Northwest corner of said Section 29, a City of Glendale brass cap in hand hole stamped N 597, from which the North Quarter corner of said Section 29, a City of Glendale brass cap flush stamped N 597, bears South 89 degrees 50 minutes 31 seconds East (NAD83 basis of bearings), a distance of 2633.60 feet;

thence along the north line of said Section 29, South 89 degrees 50 minutes 31 seconds East, a distance of 1316.80 feet to the northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 29;

thence along the east line of said Northwest Quarter of the Northwest Quarter, South 00 degrees 39 minutes 08 seconds West, a distance of 501.27 feet to the northwest corner of a parcel of land recorded in Docket 10260-428 Maricopa County Records (MCR) and the **Point of Beginning**;

thence along the north line of said Docket 10260-428, North 45 degrees 08 minutes 55 seconds East, a distance of 114.14 feet;

thence departing said north line, South 00 degrees 39 minutes 08 seconds West, a distance of 135.22 feet;

thence South 89 degrees 50 minutes 07 seconds East, a distance of 98.60 feet to the east line of Docket 10260-428 MCR;

thence along said east line, South 00 degrees 39 minutes 08 seconds West, a distance of 100.00 feet to the south line of said Docket 10260-428 MCR;

thence along said south line, North 89 degrees 50 minutes 07 seconds West, a distance of 178.60 feet to the southwest corner of said Docket 10260-428 MCR and also the Northwest corner of Braemar Estates No. 4, as recorded in Book 162, Page 12 MCR;

thence along the west line of Docket 10260-428 MCR, North 00 degrees 39 minutes 08 seconds East, a distance of 154.49 feet to the **Point of Beginning**.

Said easement contains 25448 square feet or 0.58 acres, more or less.

END OF DESCRIPTION



REGISTRATION
EXPIRES: 03-31-13

EXHIBIT- FOR REFERENCE ONLY

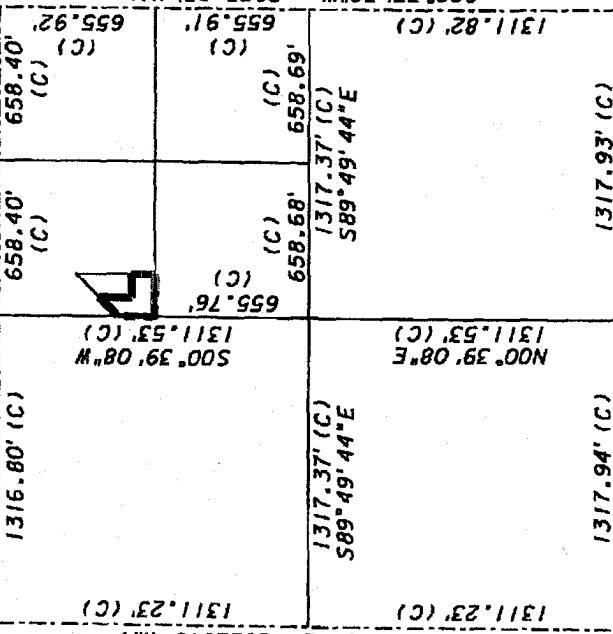
EXHIBIT "B"

NW1/4COR
SEC 29
FD.BCHH
PREVIOUSLY
LOCATED ON
6-20-05

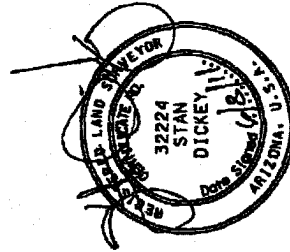
PEORIA AVE.

P.O.C.
S89°50'31"E
2633.60' (M)
658.40' (C)
658.40' (C)
1316.80' (C)

(BASIS OF BEARINGS)
500°39'08"W
1311.53' (C)
655.76' (C)
1317.37' (C)
S89°49'44"E



NW1/4COR
SEC 29
FD.BC FLUSH
PREVIOUSLY
LOCATED ON
10-01-04



REGISTRATION
EXPIRES: 03-31-13

NW1/4COR
SEC 29
FD.BCHH
PREVIOUSLY
LOCATED ON
3-15-11

C1/4COR
SEC 29
FD.BC FLUSH
PREVIOUSLY
LOCATED ON
6-25-04

MOUNTAIN VIEW RD.

NOTE: THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT, ALL PARCELS SHOWN WERE PLOTTED FROM RECORD INFORMATION, AND NO ATTEMPT HAS BEEN MADE TO VERIFY THE LOCATION OF ANY BOUNDARIES SHOWN. THIS IS NOT AN ARIZONA BOUNDARY SURVEY.

CAUTION

THE EASEMENT LOCATION AS HEREON DELINEATED MAY CONTAIN HIGH VOLTAGE ELECTRICAL EQUIPMENT, NOTICE IS HEREBY GIVEN THAT THE LOCATION OF UNDERGROUND ELECTRICAL CONDUCTORS OR FACILITIES MUST BE VERIFIED AS REQUIRED BY ARIZONA REVISED STATUTES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

LEGEND

NOTE: SYMBOLS MAY NOT BE TO DRAWING SCALE, SO AS TO BETTER ENHANCE GRAPHICAL REPRESENTATION
----- SECTION AND CENTERLINE
----- PROPERTY LINE
----- LIMITS OF EASEMENT



0 300 600

BEARINGS ARE BASED ON THE ARIZONA STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 DATUM

SALT RIVER PROJECT
AGRICULTURAL IMPROVEMENT
& POWER DISTRICT

REPLACEMENT WELL SITE
NW1/4, SEC29, T3N, R2E
MARICOPA COUNTY, ARIZONA

SRP JOB NO. NL2-00702-000
AMP W/O NO. N/A

DESIGNED R.HAAS DATE 6-08-11
DRAWN G.GREEN CHECKED BY:
AGENT C.VALLARELLI APPROVED:
SCALE 1"=600' SHEET 1 OF 2

